UNITED STATES PATENT AND TRADEMARK OFFICE

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IBM CORPORATION
PO BOX 12195
DEPT YXSA, BLDG 002
RESEARCH TRIANGLE PARK, NC 27709

EXAMINER
SANDERS, AARON J

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

		Application No.	Applicant(s)
Office Action Summary		10/713,726	DIETZ ET AL.
		Examiner	Art Unit	
		Aaron Sanders	2168	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on _13 November 2003_.
2a) ☐ This action is **FINAL**.   2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) _1-20_ is/are pending in the application.
     4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) _1-20_ is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☒ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on _13 November 2003_ is/are: a)☐ accepted or b)☒ objected to by the Examiner.
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
     a)☐ All   b)☐ Some * c)☐ None of:
         1. ☐ Certified copies of the priority documents have been received.
         2. ☐ Certified copies of the priority documents have been received in Application No. _____.
         3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
     * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
     Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
     Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Drawings

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the "Web hypertext document" of claims 17-20 must be shown or the features canceled from the claims. No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Information Disclosure Statement

The listing of references in the specification is not a proper information disclosure statement. 37 CFR 1.98(b) requires a list of all patents, publications, or other information submitted for consideration by the Office, and MPEP § 609.04(a) states, "the list may not be incorporated into the specification but must be submitted in a separate paper." Therefore, unless the references have been cited by the Examiner on form PTO-892, they have not been considered.

The information disclosure statement filed 13 November 2003 fails to comply with 37 CFR 1.98(a)(1), which requires the following: (1) a list of all patents, publications, applications, or other information submitted for consideration by the Office; (2) U.S. patents and U.S. patent application publications listed in a section separately from citations of other documents; (3) the application number of the application in which the information disclosure statement is being submitted on each page of the list; (4) a column that provides a blank space next to each document to be considered, for the examiner's initials; and (5) a heading that clearly indicates that the list is an information disclosure statement. The information disclosure statement has been placed in the application file, but the information referred to therein has not been considered.

Applicant is advised to use form PTO-1449 to list the relevant art to Applicant's disclosure.

Specification

The abstract of the disclosure is objected to because it contains the title of the invention.

The sheet or sheets presenting the abstract may not include other parts of the application or other

material. See 37 C.F.R. 1.72. Appropriate correction is required.

The title of the invention is not descriptive. A new title is required that is clearly

indicative of the invention to which the claims are directed. The following title is suggested:

Ordering Hyperlinks in a Web Document Using Tags Indicating the Priority of said Hyperlinks.

The use of at least the trademarks INTERNATIONAL BUSINESS MACHINES

CORPORATION, IBM, MICROSOFT, WINDOWS, UNIX, and INTERNET EXPLORER have

been noted in this application. They should be capitalized wherever they appear and be

accompanied by the generic terminology. Although the use of trademarks is permissible in

patent applications, the proprietary nature of the marks should be respected and every effort

made to prevent their use in any manner which might adversely affect their validity as

trademarks.

Claim Objections

As per claim 2, the limitation "wherein said means for applying said prioritization are at

said service manager server system" appears to be incorrect. It should be "wherein said means

for applying said prioritization is at said service manager server system".

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1-20 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claims 1-6 are directed to a network, 7-11 to a method, and 12-16 to a computer program. The claimed subject matter lacks a practical application of a judicial exception (law of nature, abstract idea, naturally occurring article/phenomena) since it fails to produce a tangible result.

As per claims 1-16, the claimed subject matter does not produce a tangible result because the claimed subject matter fails to produce a result that is limited to having real world value rather than a result that may be interpreted to be abstract in nature as, for example, a thought, a computation, or manipulation of data. More specifically, claims 1-16 provide for "applying said prioritization", which does not necessarily require any output to a user or another system. This produced result remains in the abstract and, thus, fails to achieve the required status of having real world value.

As per claims 1-6, a network is non-statutory subject matter. It may be that the Applicant is trying to claim a system or machine, but this is not clear. Further, the network does not require any hardware, making it software *per se*. As such, the instant claims are non-statutory.

As per claims 12-16, a computer program is non-statutory subject matter. The instant claims mention a computer-readable medium, but do not specify it as claimed subject matter. Rather, the computer program is claimed. As such, the instant claims are non-statutory.

As per claims 17-20, it appears that Applicant is trying to claim a data structure. However, the disclosed data structure is not "a physical or logical relationship among data

elements, designed to support specific data manipulation functions" (*The Authoritative Dictionary of IEEE Standards Terms, Seventh Edition*, IEEE Press, 2000). As such, the instant claims are non-statutory.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Pogrebisky et al., U.S. 5,958,008.

As per claims 1-20, Pogrebisky et al. teach:

1. In a World Wide Web (Web) communication network with user access via a plurality of data processor controlled interactive receiving display stations for displaying received hypertext Web documents, transmitted from source sites on the Web, including at least one display page containing text, images and a plurality of embedded hyperlinks, each hyperlink being user activatable to access and display a respective linked hypertext Web document from source sites on the Web, a system for controlling access activity from activated hyperlinks and their respective Web document source sites comprising (See e.g. col. 1, line 66 – col. 2, line 9, "a software package ('Web site analysis program') is provided which includes a variety of features for facilitating the management and analysis of Web sites. In the preferred embodiment, the

program runs on a network-connected PC under the Windows® 95 or Windows® NT operating

system, and utilizes the standard protocols and conventions of the World Wide Web ('Web')"):

means at said source sites for prioritizing said plurality of embedded hyperlinks in a Web

document (See e.g. Fig. 4 where, see col. 16, line 59 – col. 17, line 7, "by clicking on the headers

82 of the separation bar 80, the user can view the listed URLs in a sorted order"); and

means for applying said prioritization in the determination of the order in which the Web

documents linked to the activated embedded hyperlinks in said Web document are to be accessed

(See e.g. Fig. 4 where, see col. 16, line 59 – col. 17, line 7, "For example, if the user clicks on the

'in links' header, Astra will automatically sort the list of URLs according to the number of

incoming links, and then display the sorted listing in the List View window 78").

2. The Web communication network of claim 1 further including:

a document source site network comprising:

a plurality of the source sites from which said Web documents linked to said

prioritized hyperlinks are accessed (See e.g. Fig. 11 where, see col. 23, lines 26-47,

"Depicted in the drawing is a client computer 92 communicating with a Web site 113

over the Internet 110 via respective TCP/IP layers 108, 178"); and

a service manager server system for accessing Web documents linked to said

prioritized hyperlinks (See e.g. Fig. 11 where, see col. 23, lines 26-47, "The Web site 113

includes a Web server application 112 which interoperates with CGI scripts (shown as

layer 180) to generate Web pages on-the-fly");

wherein said means for applying said prioritization are at said service manager server

system (See e.g. Fig. 11 where, see col. 23, lines 26-47, "As illustrated, the Web browser 170 is

configured to use the Astra application 94 as an HTTP-level proxy. Thus, all HTTP-level

messages (client requests) generated by the Web browser 170 are initially passed to Astra 94,

which in-turn makes the client requests on behalf of the Web browser").

3. The Web communication network of claim 1 wherein said each of said Web

documents further includes a hypertext markup language tag associated with each of said

prioritized hyperlinks indicative of the priority level of the associated hyperlink (See e.g. col. 6,

lines 52-65, "In addition to specifying how the Web browser is to display the document, HTML

tags can be used create hyperlinks to other Web documents").

4. The Web communication network of claim 3 further including means associated with a

source site of a Web document enabling an interactive user at the source Web site to designate a

priority level for each of the hyperlinks (See e.g. Fig. 4 where, see col. 16, line 59 – col. 17, line

7, "by clicking on the headers 82 of the separation bar 80, the user can view the listed URLs in a

sorted order").

5. The Web communication network of claim 4 wherein said means for designating a

priority level for each of said hyperlinks are enabled to change any previously designated priority

levels for said hyperlinks (See e.g. Fig. 4 where, see col. 16, line 59 – col. 17, line 7, "For

example, if the user clicks on the 'in links' header, Astra will automatically sort the list of URLs

according to the number of incoming links, and then display the sorted listing in the List View

window 78").

6. The Web communication network of claim 5 wherein said changes in any previously

designated priority levels are applicable to the priority levels in previously distributed copies of

said Web document (See e.g. Fig. 4 where, see col. 16, line 59 – col. 17, line 7, "For example, if

the user clicks on the 'in links' header, Astra will automatically sort the list of URLs according

to the number of incoming links, and then display the sorted listing in the List View window

78").

       7. In a Web communication network with user access via a plurality of data processor

controlled interactive receiving display stations for displaying received hypertext Web

documents, transmitted from source sites on the Web, including at least one display page

containing text, images and a plurality of embedded hyperlinks, each hyperlink being user

activatable to access and display a respective linked hypertext Web document from source sites

on the Web, a method for controlling access activity from activated hyperlinks and their

respective Web document source sites comprising (See e.g. col. 1, line 66 – col. 2, line 9, "a

software package ('Web site analysis program') is provided which includes a variety of features

for facilitating the management and analysis of Web sites. In the preferred embodiment, the

program runs on a network-connected PC under the Windows® 95 or Windows® NT operating

system, and utilizes the standard protocols and conventions of the World Wide Web ('Web')"):

       prioritizing said plurality of embedded hyperlinks in a source Web document at a source

site (See e.g. Fig. 4 where, see col. 16, line 59 – col. 17, line 7, "by clicking on the headers 82 of

the separation bar 80, the user can view the listed URLs in a sorted order"); and

       applying said prioritization in the determination of the order in which the Web documents

linked to the activated embedded hyperlinks in said Web document are to be accessed (See e.g.

Fig. 4 where, see col. 16, line 59 – col. 17, line 7, "For example, if the user clicks on the 'in

links' header, Astra will automatically sort the list of URLs according to the number of incoming

links, and then display the sorted listing in the List View window 78").

8. The Web communication method of claim 7 further including the step of:

inserting in each of said Web documents a plurality of hypertext markup language tags each associated with each of said prioritized hyperlinks and indicative of the priority level of the associated hyperlink (See e.g. col. 6, lines 52-65, "In addition to specifying how the Web browser is to display the document, HTML tags can be used create hyperlinks to other Web documents").

9. The Web communication method of claim 8 further including the step of enabling an interactive user at the source site of a Web document to designate a priority level for each of the hyperlinks (See e.g. Fig. 4 where, see col. 16, line 59 – col. 17, line 7, "by clicking on the headers 82 of the separation bar 80, the user can view the listed URLs in a sorted order").

10. The Web communication method of claim 9 wherein said step of designating a priority level for each of said hyperlinks may be applied to change any previously designated priority levels for said hyperlinks (See e.g. Fig. 4 where, see col. 16, line 59 – col. 17, line 7, "For example, if the user clicks on the 'in links' header, Astra will automatically sort the list of URLs according to the number of incoming links, and then display the sorted listing in the List View window 78").

11. The Web communication method of claim 10 wherein said step of changing any previously designated priority levels is applicable to change the priority levels in previously distributed copies of said Web document (See e.g. Fig. 4 where, see col. 16, line 59 – col. 17, line 7, "For example, if the user clicks on the 'in links' header, Astra will automatically sort the list of URLs according to the number of incoming links, and then display the sorted listing in the List View window 78").

12. A computer program having code recorded on a computer readable medium for controlling access activity from activated hyperlinks and their respective Web document source sites in a Web communication network with user access via a plurality of data processor controlled interactive receiving display stations for displaying received hypertext Web documents, transmitted from source sites on the Web, including at least one display page containing text, images and a plurality of embedded hyperlinks, each hyperlink being user activatable to access and display a respective linked hypertext Web document from source sites on the Web, said computer program comprising (See e.g. col. 1, line 66 – col. 2, line 9, "a software package ('Web site analysis program') is provided which includes a variety of features for facilitating the management and analysis of Web sites. In the preferred embodiment, the program runs on a network-connected PC under the Windows® 95 or Windows® NT operating system, and utilizes the standard protocols and conventions of the World Wide Web ('Web')"):

means at said source sites for prioritizing said plurality of embedded hyperlinks in a Web document (See e.g. Fig. 4 where, see col. 16, line 59 – col. 17, line 7, "by clicking on the headers 82 of the separation bar 80, the user can view the listed URLs in a sorted order"); and

means for applying said prioritization in the determination of the order in which the Web documents linked to the activated embedded hyperlinks in said Web document are to be accessed (See e.g. Fig. 4 where, see col. 16, line 59 – col. 17, line 7, "For example, if the user clicks on the 'in links' header, Astra will automatically sort the list of URLs according to the number of incoming links, and then display the sorted listing in the List View window 78").

13. The computer program of claim 12 wherein said each of said Web documents further includes a hypertext markup language tag associated with each of said prioritized hyperlinks

indicative of the priority level of the associated hyperlink (See e.g. col. 6, lines 52-65, "In addition to specifying how the Web browser is to display the document, HTML tags can be used create hyperlinks to other Web documents").

14. The computer program of claim 13 further including means associated with a source site of a Web document enabling an interactive user at the source Web site to designate a priority level for each of the hyperlinks (See e.g. Fig. 4 where, see col. 16, line 59 – col. 17, line 7, "by clicking on the headers 82 of the separation bar 80, the user can view the listed URLs in a sorted order").

15. The computer program of claim 14 wherein said means for designating a priority level for each of said hyperlinks are enabled to change any previously designated priority levels for said hyperlinks (See e.g. Fig. 4 where, see col. 16, line 59 – col. 17, line 7, "For example, if the user clicks on the 'in links' header, Astra will automatically sort the list of URLs according to the number of incoming links, and then display the sorted listing in the List View window 78").

16. The computer program of claim 15 wherein said changes in any previously designated priority levels are applicable to the priority levels in previously distributed copies of said Web document (See e.g. Fig. 4 where, see col. 16, line 59 – col. 17, line 7, "For example, if the user clicks on the 'in links' header, Astra will automatically sort the list of URLs according to the number of incoming links, and then display the sorted listing in the List View window 78").

17. A Web hypertext document including at least one display page containing text, images and a plurality of embedded hyperlinks, each hyperlink being user activatable to access

and display a respective linked hypertext Web document from source sites on the Web further

including (See e.g. col. 2, lines 10-26, "the program includes Web site scanning routines which

use conventional webcrawling techniques to gather information about the content objects

(HTML documents, GIF files, etc.) and links of a Web site via a network connection"):

a hypertext markup language tag associated with each embedded hyperlink indicating the

priority of each hyperlink in the determination of the order in which the Web documents linked

to the activated embedded hyperlinks in said Web document are to be accessed (See e.g. Fig. 4

where, see col. 16, line 59 – col. 17, line 7, "by clicking on the headers 82 of the separation bar

80, the user can view the listed URLs in a sorted order" and col. 6, lines 52-65, "In addition to

specifying how the Web browser is to display the document, HTML tags can be used create

hyperlinks to other Web documents").

18. The Web document of claim 17 wherein said Web document is a source Web

document at a source Web site (See e.g. col. 18, lines 42-52, "The Web servers 112 may, for

example, run on a single computer, run on multiple computers located at a single geographic

location (which may, but need not, be the location of the client computer 92)").

19. The source Web document of claim 18 further including means for changing the

priority indication in each of said tags (See e.g. Fig. 4 where, see col. 16, line 59 – col. 17, line 7,

"by clicking on the headers 82 of the separation bar 80, the user can view the listed URLs in a

sorted order").

20. The source Web document of claim 19 further including means for applying changes

in any previously designated priority levels to the priority levels in previously distributed copies

of said source Web document (See e.g. Fig. 4 where, see col. 16, line 59 – col. 17, line 7, "For

example, if the user clicks on the 'in links' header, Astra will automatically sort the list of URLs according to the number of incoming links, and then display the sorted listing in the List View window 78").

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: DuFresne, U.S. 5,835,712; Chinn et al., U.S. 2002/0010715; Tsuda, U.S. 2003/0074350; Taraborelli et al., U.S. 2003/0208578; and O'Nell et al., U.S. 2004/0250241.

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Aaron Sanders whose telephone number is 571-270-1016. The Examiner can normally be reached on M-Th 8:00a-5:00p.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Tim Vo can be reached on 571-272-3642. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

If you would like assistance from a USPTO Customer Service Representative or access to

the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-

1000.

AJS

5/23

TIM VO
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100